

City of Round Rock  
Regular City Council Meeting  
November 24, 2009

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The Round Rock City Council met in Regular Session on Tuesday, November 24, 2009, in the City Council Chamber, 221 E. Main Street.

[CALL SESSION TO ORDER - 7:00 P.M.](#)

Mayor McGraw called the meeting to order at 7:03 p.m.

[ROLL CALL](#)

Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos Salinas, Councilmember John Moman, and Councilmember Kris Whitfield. Also present were City Manager Jim Nuse, Assistant City Manager/CFO David Kautz, Assistant City Manager Cindy Demers, and City Attorney Steve Sheets.

[PLEDGE OF ALLEGIANCE:](#)

Mayor McGraw led the following Pledges of Allegiance:

3A. United States Flag

3B. Texas State Flag

[CITIZEN COMMUNICATION](#)

Mike Howell, 2700 N. A.W. Grimes, Round Rock, Texas spoke to the Council with complaints against the police department and the municipal prosecutor.

[PROCLAMATION:](#)

[5A. Consider a proclamation recognizing Al Kosik, Chair of the Planning and Zoning](#)

[Commission for his service to the citizens of Round Rock as an exemplary role model for an appointed official.](#)

Mayor McGraw read the following proclamation and presented it to Al Kosik:

WHEREAS, Al Kosik, current Chair of the Round Rock Planning and Zoning Commission, has served the Commission for an unprecedented 25 years; and

WHEREAS, during Mr. Kosik's tenure on the Commission, Round Rock has experienced tremendous growth, transitioning from a booming suburban community to an established mid-sized city; and

WHEREAS, Mr. Kosik has overseen major updates to the City's subdivision and zoning codes and several complex Planned Unit Development zonings that have resulted in significant economic diversification for Round Rock; and

WHEREAS, Mr. Kosik demonstrates the most admirable characteristics of a leader: being open and approachable to the public and City staff, ensuring all members of the Commission have the opportunity to express their opinions, and skillfully taking public comments into consideration when expressing the view of the Commission as a whole; and

WHEREAS, Mr. Kosik, on July 17, 2009, was recognized by the Central Texas Section of the American Planning Association as the "Appointed Official of the Year" for these qualities and attributes;

NOW THEREFORE, I, ALAN MCGRAW, Mayor of the City of Round Rock, Texas, do hereby recognize Planning and Zoning Commission Chairman Al Kosik for his service to the citizens of Round Rock as an exemplary role model for all appointed officials in public service.

PROCLAIMED this 24th day of November 2009.

PRESENTATIONS:

[6A1. Consider a presentation regarding the City's financial status.](#)

Cheryl Delaney, Finance Director made the staff presentation.

[6B1. Consider a presentation regarding Strategic Plan Implementation.](#)

Cindy Demers, Assistant City Manager made the staff presentation.

[6C1. Consider a presentation regarding the final payment to the Texas Department of Transportation for the Advance Funding Agreement for the IH-35 Area Improvements - Chandler Road to Westinghouse Road Project.](#)

Tom Word, Chief of Public Works made the staff presentation.

ORDINANCES:

[7A1. Consider an ordinance amending the temporary 35-mph construction zone on Old Settlers Boulevard from Bluffs Landing Way to Brenda Lane. \(Second Reading\)](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.504, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AMENDING THE TEMPORARY CONSTRUCTION SPEED ZONE FOR A PORTION OF OLD SETTLERS BOULEVARD; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem Clifford moved to approve the ordinance. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[7B1. Consider an ordinance changing the time of the December 17, 2009 City Council Meeting from 7:00pm to 5:30pm. \(First Reading\)](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE TIME OF THE SECOND REGULAR DECEMBER MEETING OF THE ROUND ROCK CITY COUNCIL FOR THE MONTH OF DECEMBER, 2009; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem Clifford moved to approve the ordinance. Councilmember Moman seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas
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Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw

Nays: None  
Absent: None

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem Clifford moved to dispense with the second reading of the ordinance and adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw

Nays: None  
Absent: None

ACTION: The motion carried unanimously.

[7C1. Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the proposed Chisholm Trail Improvement Project from Ricardo Zuniga. \(Parcel 15\) \(Second Reading\)](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN AND TO APPROXIMATELY 0.0292 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK CHISHOLM TRAIL IMPROVEMENT PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw

Nays: None  
Absent: None

ACTION: The motion carried unanimously.

[7C2. Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the proposed Chisholm Trail Improvement Project from David William Duffey and Kaori Mori Duffey. \(Parcel 8E\) \(Second Reading\)](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A PUBLIC UTILITY EASEMENT INTEREST IN AND ACROSS APPROXIMATELY 0.0279 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK CHISHOLM TRAIL IMPROVEMENT PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mayor Pro-tem Clifford moved to approve the ordinance. Councilmember Moman seconded the motion.

VOTE:      Ayes:            Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:           None  
                 Absent:          None

ACTION: The motion carried unanimously.

[7C3.    Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the Intermodal Transit and Parking Facility Project from Dain Jay Johnson. \(307 W. Main\) \(Second Reading\)](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN AND TO APPROXIMATELY 0.287 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK INTERMODAL TRANSIT AND PARKING FACILITY PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember White seconded the motion.

VOTE:      Ayes:            Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Whitfield  
                                 Mayor McGraw  
                 Nays:           Mayor Pro-tem Clifford  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                 Absent:          None

ACTION: The motion carried unanimously.

RESOLUTIONS:

[8A1.    Consider a resolution to review and prioritize projects identified by Energy Systems Associates, Inc. for the Energy Efficiency Conservation Strategy submission to the Department of Energy.](#)

Tom Word, Chief of Public Works Operations made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-Tem Clifford seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      Councilmember White  
                 Absent:      None

ACTION: The motion carried unanimously.

[8B1.      Consider a resolution authorizing the Brushy Creek Regional Utility Authority \(BCRUA\) to execute an Agreement for Construction Phase Engineering Services with Camp, Dresser & McKee, Inc.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      None  
                 Absent:      None

ACTION: The motion carried unanimously.

[8B2.      Consider a resolution authorizing the Brushy Creek Regional Utility Authority \(BCRUA\) to execute a Contract with S.J. Louis Construction of Texas, LTD. for the Treated Water Transmission Line Segment 1 project.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      None  
                 Absent:      None

ACTION: The motion carried unanimously.

[8B3. Consider a resolution authorizing the Brushy Creek Regional Utility Authority \(BCRUA\) to execute an Agreement for Construction Phase Observation Services for the BCRUA Water Treatment Plant with Water Resources Management, L.P.](#)

Michael Thane, Utilities Director made the staff presentation.

**MOTION:** Councilmember Honeycutt moved to approve the resolution. Councilmember White seconded the motion.

<b><u>VOTE:</u></b>	<b>Ayes:</b>	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	<b>Nays:</b>	None
	<b>Absent:</b>	None

**ACTION:** The motion carried unanimously.

[COUNCIL COMMENTS REGARDING ITEMS OF COMMUNITY INTEREST](#)

**EXECUTIVE SESSION:**

[10A. Consider Executive Session as authorized by §551.072, Government Code, related to the purchase of real property to wit: Approximately 110 acres owned by Cypress Semiconductor and located between Cypress Boulevard and Interstate 35.](#)

The City Council recessed into Executive Session. Mayor McGraw called the Executive Session to order at 8:34 9.m. and adjourned it at 9:18 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Sara L. White, City Secretary